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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 3, 2013
83rd Legislature, Number 44
The House convenes at 10 a.m.

Four bills are on the daily calendar for second-reading consideration today. The bills are analyzed in today's Daily Floor Report and are listed on the following page.

The House will consider a Local, Consent, and Resolutions Calendar and a Congratulatory and Memorial Calendar today.

The following House committees had public hearings scheduled for 8 a.m.: Agriculture and Livestock in Room E1.010; Economic and Small Business Development in Room E2.028; Homeland Security and Public Safety in Room E2.030; Public Health in Room E2.012; and Special Purpose Districts in Room E2.014.

The House Urban Affairs Committee has a public hearing scheduled for 10:30 a.m. or on adjournment in Room E2.016. The House State Affairs Committee has a public hearing scheduled for 1:30 p.m. or on adjournment in JHR 140. The following House committees have public hearings scheduled for 2 p.m. or adjournment: Corrections in Room E2.010; Culture, Recreation, and Tourism in Room E2.026; Energy Resources in JHR 120; and Higher Education in Room E1.014.



Bill Callegari
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Wednesday, April 3, 2013

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SUBJECT: Restructuring career and technical education grant programs

COMMITTEE: Economic and Small Business Development — favorable. without amendment

VOTE: 7 ayes — J. Davis, Vo, Bell, Isaac, Murphy, Perez, Workman
0 nays
2 absent — Y. Davis, E. Rodriguez

WITNESSES: For — (*Registered, but did not testify:* David D. Anderson, Arlington ISD Board of Trustees; David Anthony, Raise Your Hand Texas; Sabrina Brown, Dow Chemical; Mike Meroney, Huntsman Corp., BASF Corp., and Sherwin Alumina Co.; Carlton Schwab, Texas Economic Development Council)

Against — Mike Phillips, Texas IAF Network and COPS/Metro; (*Registered, but did not testify:* Jennifer Allmon, The Texas Catholic Conference)

On — Robert Wood, Office of the Comptroller of Public Accounts

BACKGROUND: In 2009, the 81st Legislature established the Jobs and Education for Texans (JET) grant program and appropriated \$25 million to fund it. The program, administered by the comptroller's office, included three categories of funding to support career and technical education:

- \$10 million for the Job Building Fund, capital financing for equipment purchases for career and technical education programs;
- \$10 million for the Launchpad Fund, dedicated grants for nonprofit organizations to support and expand programs preparing low-income students for training in high-demand occupations; and
- \$5 million for the Career and Technical Scholarship Fund, providing scholarships for high-need students training for high-demand occupations, administered by public community colleges and technical schools.

DIGEST: HB 437 would eliminate two of the three types of grants authorized by the Jobs and Education for Texans (JET) fund. The fund no longer would:

- allocate grants to nonprofit organizations to develop, support, or expand programs to train low-income students for high-demand occupations;
- fund scholarships to train low-income students.

The JET program would retain authority to fund start-up costs for new career and technical education. Public community colleges and technical schools still could apply for grants to invest in equipment designated for technical training purposes.

The bill would take effect September 1, 2013. Students receiving scholarships or other financial assistance before the effective date for the 2013-14 academic year could continue receiving money until the student was no longer eligible for financial assistance under current law.

**SUPPORTERS
SAY:**

HB 437 would concentrate the Jobs and Education for Texans (JET) program on the purchase by colleges and schools of high-end technology and equipment that matches the type used by commercial facilities. This would allow the program to help the most students. Because of the enduring nature of equipment purchases, schools and colleges expect 54,000 students to be trained over the next decade using the equipment purchased with JET grants. This would help many more students than those helped through scholarships and grants to nonprofit organizations.

The process of allocating scholarship money through the JET program was found to be inflexible, resulting in colleges and schools returning some scholarship funds to the comptroller's office. Identifying students who qualified for these programs was difficult because restrictive rules limited many students' eligibility.

Limiting the applications to technical schools and community colleges would allow grant applications to be processed more efficiently.

**OPPONENTS
SAY:**

The bill would take money from valuable nonprofit programs with proven records of success. Nonprofit organizations provide holistic job training programs that include labor market intermediary services, outreach, case management support, and career placement for unemployed or underemployed low-wage earners. These programs have broad community

support and receive matching funds from local sources. These nonprofit programs improve on-time graduation rates, reduce welfare and Supplement Nutrition Assistance Program (or food stamp) payments, and increase tax receipts by placing low-income students in high-paying jobs.

NOTES:

The House committee substitute for CSSB 1, the proposed state budget for fiscal 2014-15, would include \$10 million for consideration in Article 11 for the Jobs and Education for Texans account.

SUBJECT: Residency requirements for issuing certain commercial driver's licenses

COMMITTEE: Homeland Security and Public Safety —favorable, without amendment

VOTE: 8 ayes — Pickett, Fletcher, Cortez, Dale, Kleinschmidt, Lavender, Sheets, Simmons
0 nays
1 absent — Flynn

WITNESSES: For — John A. Miterko, Texas Coalition of Veterans Organizations
Against — None
On — (*Registered, but did not testify*: Shawn Deabay, Texas Veterans Commission; Michael Terry, Texas Department of Public Safety)

BACKGROUND: Transportation Code, sec. 522.022, prohibits the Department of Public Safety from issuing a commercial driver's license, other than a nonresident license, to anyone who is not a resident of Texas.

Congress in 2012 passed the Military Commercial Driver's License Act, which allows states to waive residency requirements for issuing commercial driver's licenses to service members living in the state.

DIGEST: HB 860 would waive state residency requirements when issuing commercial driver's licenses to members of the U.S. military who had a domicile in another state but were assigned to a duty station in Texas.

The bill would take effect September 1, 2013.

SUPPORTERS SAY: HB 860 would remove for members of the U.S. military the roadblock of having to establish state residency to obtain a commercial driver's license in Texas. The measure would ease the transition to civilian life for many service members leaving the military and would boost a trucking industry in need of a skilled workforce. Reservists and service members in the National Guard also would benefit from a faster path to a commercial driver's license.

Typically, there is some lag time for newly arrived service members in obtaining the documents they need to prove they have lived in Texas for 30 days, a requirement to receive a commercial driver's license. Applicants for a commercial driver's license must provide two documents to verify Texas residency, such as a utility statement, rental/lease agreement, Texas motor vehicle registration, or a valid and unexpired Texas voter registration card.

HB 860 would help a set of workers who had received the military's robust training but sometimes struggle to find jobs. The U.S. Bureau of Labor Statistics reported an unemployment rate of 9.9 percent in March 2013 for veterans who served on active duty at any time since September 2001. The national jobless rate for the same period was 7.7 percent.

The bill would help connect members of the military to a trucking industry with high demand for drivers. A commercial driver's license is required to operate a heavy truck, a vehicle used to transport hazardous material, or a bus. Nationally, employment of heavy truck drivers is projected to increase by about 21 percent this decade, according to federal estimates. Trucking in Texas also is expected to boom, partly because of the state's burgeoning oil and gas industry.

Under HB 860, service members who were issued a commercial driver's license would have to meet commercial driving standards set by the federal government so the bill would pose no risk to public safety.

**OPPONENTS
SAY:**

Although the idea behind HB 860 is well intentioned, waiving residency requirements for military service members seeking a commercial driver's license is unnecessary. Establishing residency in Texas is not onerous. The state accepts a variety of documents to verify residency, from utility bills and proof of automobile insurance to mail from financial institutions.

NOTES:

The companion bill, SB 229 by Davis, was placed on the Senate Intent calendar on March 27.

SUBJECT: Authorizing electronic requests for attorney general opinions

COMMITTEE: Government Efficiency and Reform —favorable, without amendment

VOTE: 7 ayes — Harper-Brown, Perry, Capriglione, Stephenson, Taylor, Scott Turner, Vo
0 nays

WITNESSES: For — (*Registered, but did not testify*: Ashley Chadwick, Freedom of Information Foundation of Texas; Seth Mitchell, Bexar County Commissioners Court; Michael Schneider, Texas Association of Broadcasters; Ed Sterling, Texas Press Association)

Against — None

On — (*Registered, but did not testify*: Jason Boatright, Office of the Attorney General)

BACKGROUND: Government Code, sec. 402.042, requires requests for a legal opinion from the attorney general be made in writing and sent through certified or registered mail. Such requests may only be made by authorized requesters, such as the governor or the head of a state agency or board.

The Office of the Attorney General (OAG) and the person requesting the opinion may seek to waive the certified-or-registered-mail requirement.

DIGEST: HB 1390 would allow requestors of attorney general opinions to ask for an opinion by sending an e-mail to an e-mail address designated by the attorney general. Requestors still could submit requests by certified or registered mail.

This bill would take effect September 1, 2013.

SUPPORTERS SAY: Authorized requestors should be allowed to submit requests for an attorney general opinion electronically without the attorney general's office having to approve a request for a waiver. As a matter of course, the OAG accepts electronic requests for an opinion but sends the requestor a waiver form to fill out before processing these requests. Modernizing the

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process would do away with this unnecessary step and lessen the administrative burden on the OAG. Requestors still would have the option of submitting requests by certified or registered mail.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The identical companion bill, SB 246 by West, passed the Senate by 31-0 on March 13 on the Local and Uncontested Calendar.

SUBJECT: Funding state highway markers

COMMITTEE: Transportation —favorable, without amendment

VOTE: 9 ayes — Phillips, Martinez, Burkett, Fletcher, Guerra, Lavender, McClendon, Pickett, Riddle

0 nays

2 absent — Y. Davis, Harper-Brown

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: John Barton, Texas Department of Transportation)

BACKGROUND: Transportation Code, ch. 225, allows parts of the state highway system to be assigned a memorial designation by a local government or the enactment of state legislation. The Texas Department of Transportation (TxDOT) may install a memorial marker along the state highway system.

In 2007, the 80th Legislature enacted HB 53 by Chavez to allow TxDOT to accept grants and donations to pay for memorial markers. Transportation Code, sec. 225.021, requires TxDOT to repair and replace markers erected on a highway and maintain the grounds.

Since the 80th session, 36 memorial designations have been approved, with 14 funded by private donations, eight funded by TxDOT, and 14 remaining unfunded.

DIGEST: HB 695 would amend the Transportation Code to prohibit the Texas Department of Transportation (TxDOT) from designing, constructing or erecting a marker identifying a state highway as a memorial unless it received a donation or grant to cover the costs. The bill also would require TxDOT to accept grants or donations to help finance the cost of memorial markers.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 695 would clarify that TxDOT could not pay for the costs associated with memorial markers and that grants or donations would be required to pay for them. While memorial designations are an appropriate way for the state to honor Texans of significant achievement, the markers are expensive, costing \$5,000 to \$25,000 each. Since the 80th legislative session, TxDOT has absorbed \$75,000 in costs for markers for eight of the 36 enrolled memorial designations. If a proposed memorial marker is appropriate and has adequate community support, people will donate the necessary funds to erect it.

Under HB 695, TxDOT still would pay for routine maintenance and periodic replacement of all memorial signs, at a cost of about \$500,000 every 10 to 15 years. Requiring the department to use donations or grants to pay for memorial markers would ensure each memorial received equal treatment and had local support before the department was committed to future maintenance costs. HB 695 also would end the diversion of funds to pay for memorial markers and allow TxDOT to spend more money on roads and other important transportation projects.

**OPPONENTS
SAY:**

The amount of money TxDOT spends on highway markers for memorial designations is insignificant compared with the size of the department's budget. Memorial highways are a relatively small but important way for the state to honor people who played an important role in Texas' history, such as those who served in the armed forces. TxDOT should continue to make exceptions to fund some memorial markers.